

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 14-CR-0120-LRR
)	
vs.)	
)	
DONELL ALFRED HOPKINS,)	
)	
Defendant.)	

FINAL ORDER OF FORFEITURE

WHEREAS, an Indictment was filed on October 30, 2014, charging defendant with a violation of 18 U.S.C. § 922(g)(1), being a felon in possession of a firearm, and 21 U.S.C. § 841(a)(1), possession with intent to distribute controlled substances, with a forfeiture allegation seeking the forfeiture of a Smith & Wesson .357 caliber revolver;

AND WHEREAS, on July 22 2015, the Honorable Jon Stuart Scoles, Chief Magistrate Judge for the Northern District of Iowa, entered a Report and Recommendation concerning the plea of guilty (Document #79);

AND WHEREAS, pursuant to the provision of Rule 32.2(b)(1)(A) of the Federal Rules of Criminal Procedure, Judge Scoles found that the government had established the requisite nexus between the property subject to forfeiture, the firearm, and the offense as charged in Count 2 of the October 30, 2014, Indictment, possession with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1);

AND WHEREAS, on August 6, 2015, the Court accepted Judge Scoles' Report and Recommendation of July 22, 2015 (Document #83);

AND WHEREAS, pursuant to the August 6, 2015, acceptance of the plea of guilty, the United States moved for a Preliminary Order of Forfeiture pursuant to Rule 32.2(b)(2)(A), seeking an order following the Court's acceptance of Judge Scoles' Report and Recommendation, including his finding of the requisite nexus between the firearm, and the offense (Document #84);

AND WHEREAS, on August 11, 2015, this Court entered a Preliminary Order of Forfeiture pursuant to the provisions of 21 U.S.C. § 853, based upon the defendant's guilty plea entered on July 22, 2015, in which the Court ordered the forfeiture of any interest defendant had or has in the firearm alleged to be subject to forfeiture under the Forfeiture Allegation of the October 30, 2014, Indictment (Document #85);

AND WHEREAS, notice of this forfeiture was posted on www.forfeiture.gov for 30 consecutive days beginning August 12, 2015, and continuing through September 10, 2015, of the United States' intent to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property (Document #90);

AND WHEREAS, no third-party claims have been made for return of seized property against the firearm and ammunition included in the Preliminary Order of Forfeiture entered on August 11, 2015.

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That any right, title, and interest defendant has or had in the hereinafter described property is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.


2. That the following property belonging to Donell Alfred Hopkins who is the subject of this Order, is hereby condemned and forfeited to the United States of America, as follows:

a Smith and Wesson, Model 19, .357 caliber revolver, bearing serial number 5K53813, and .357 caliber ammunition seized from defendant on or about October 28, 2013, in Cedar Rapids, Iowa.

3. That the United States Marshals Service and/or Federal Bureau of Investigation, is hereby authorized to dispose of the firearm and ammunition identified in paragraph 2 above.

4. That the United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

DATED this 21st day of October, 2015.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA